

AMENDMENT TO THE CLAIMS

IN THE CLAIMS:

Please **AMEND** claims 1, 12 and 21 as follows.

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1. (Currently Amended) A flat mail sleeve packaging system having opposite facing open ends and being adapted to stack product with bound and non bound edges in a constrained homogenous mass, comprising:

a first constraining wall having a first constraining surface;

a second constraining wall having a second constraining surface, the second constraining wall being positioned with respect to the first constraining wall at a substantially perpendicular angle thereto;

a portion of the first constraining wall being folded over to form an end cap that is adapted to protect an end product of the stack and add rigidity to the flat mail sleeve packaging system; and

the end cap extending only partially across a width of the second constraining wall so as to define a partially opened end of one of the opposite facing open ends,

wherein the first and second constraining walls are adapted for having the product placed therebetween with the bound and non bound edges of the product all facing in a same direction without collapsing.

2. (Previously Presented) The flat mail sleeve packaging system of claim 1, further comprising a first binding member extending from a first edge of the second constraining wall to the second edge of the second constraining wall.

3. (Original) The flat mail sleeve packaging system of claim 2, further comprising a second binding member, substantially perpendicular to the first binding member, used to provide additional stability to a stack of the product.

4. (Original) The flat mail sleeve packaging system of claim 1, wherein the first and second constraining walls form a corner therebetween which is adapted to conform to a corner of the product.

5. (Previously Presented) The flat mail sleeve packaging system of claim 1, wherein a width of the first and second constraining walls is adapted to be at least equal to a bound edge and the non bound edge of the product stacked thereon.

6. (Withdrawn) The flat mail sleeve packaging system of claim 1, further comprising a third constraining wall positioned parallel to the first constraining wall and forming a corner with the second constraining wall.

7. (Withdrawn) The flat mail sleeve packaging system of claim 6, wherein the second constraining wall is a central constraining wall and the first, second and third constraining walls form a "U" shape.

Claim 8. (Canceled).

9. (Withdrawn) The flat mail sleeve packaging system of claim 7, wherein the first, second and third constraining walls each have a width at least equal to a bound edge and the non bound edge of the product stacked thereon.

10. (Previously Presented) The flat mail sleeve packaging system of claim 7, further comprising another endcap extending from an end one of the first constraining wall, second constraining wall and the third constraining wall.

11. (Previously Presented) The flat mail sleeve packaging system of claim 1, further comprising another endcap extending from an end one of the first constraining wall and second constraining wall.

12. (Currently Amended) A flat mail sleeve packaging system having opposite facing open ends and being adapted to stack product with bound and non bound edges in a constrained homogenous mass, comprising:

a first constraining wall having a first constraining surface, a length and a width;

a second constraining wall having a second constraining surface, a length and a width, the second constraining wall being positioned with respect to the first constraining wall at a substantially perpendicular angle thereto to form a corner therebetween which is adapted to conform to a corner of the product;

a portion of ~~one of the first and second constraining walls~~ wall being folded over to form an end cap that is adapted to protect an end product of the stack and add rigidity to the flat mail sleeve packaging system;

the end cap extending only partially across a width of the second constraining wall so as to define a partially opened end of one of the opposite facing open ends; and

a first binding member extending between the length of the second constraining wall,

wherein each width of the first and second constraining walls is at last equal to the bound edge and the non bound edge of the product stacked thereon, and the first and second constraining walls are adapted for having the product placed therebetween with the bound edges of the product all facing in a same direction.

13. (Original) The flat mail sleeve packaging system of claim 12, further comprising a second binding member, substantially perpendicular to the first binding member, used to provide additional stability to a stack of the product.

14. (Previously Presented) The flat mail sleeve packaging system of claim 12, wherein the width of the first and second constraining walls is adapted to be larger than the bound edge and the non bound edge of the product stacked thereon.

15. (Withdrawn) The flat mail sleeve packaging system of claim 12, further comprising a third constraining wall positioned parallel to the first constraining wall and forming a corner with the second constraining wall to thereby form a substantially "U" shape which is capable of accommodating the product therebetween.

16. (Original) The flat mail sleeve packaging system of claim 14, wherein the first binding member extends along the length of the second constraining wall.

17. (Previously Presented) The flat mail sleeve packaging system of claim 15, wherein the third constraining wall has a width adapted to be at least equal to the bound edge and the non bound edge of the product stacked thereon.

Claims 18-20 (Canceled).

21. (Currently Amended) A flat mail sleeve packaging system having opposite facing open ends and being adapted to stack product with bound and non bound edges in a constrained homogenous mass, comprising:

- an upper extending constraining wall having a first constraining surface;

- a bottom constraining wall having a second constraining surface, the bottom constraining wall being positioned with respect to the upper extending constraining wall at a substantially perpendicular angle thereto;

- end portions of the upper extending constraining wall being folded over to form end caps that are adapted to protect end products of the stack and add rigidity to the flat mail sleeve packaging system;

one of the end caps extending only partially across a width of the second constraining wall so as to define a partially opened end of one of the opposite facing open ends;

a first binding member extending along a length of the bottom constraining wall from one edge of the bottom constraining wall to another edge of the bottom constraining wall; and

a second binding member, substantially perpendicular to the first binding member, used to provide additional stability to the stack of the product,

wherein the upper extending and bottom constraining walls are adapted for having the product placed therebetween with the bound and non bound edges of the product all facing in a same direction without collapsing.

22. (Previously Presented) The flat mail sleeve packaging system of claim 21, wherein the length is greater than a width of the upper extending constraining wall.

Claim 23 (Canceled).

24. (Previously Presented) The flat mail sleeve packaging system of claim 21, wherein the first binding member extends from a first edge of the second constraining wall to the second edge of the second constraining wall.

REMARKS

Upon entry of the instant Amendment, claims 1, 12 and 21 are amended. Claims 1-7, 9-17, 21, 22 and 24 will be pending in the application with claims 1, 12 and 21 being independent. Support for the amendment to claims 1, 12 and 21 is provided in at least Fig. 1 of the drawings. No new matter is added. Reconsideration of the objections and rejections in view of the above amendments and the following remarks is respectfully requested.

35 U.S.C. § 112, 2nd Rejection

Claims 1, 12 and 21 were rejected under 35 U.S.C. § 112, second paragraph, for being allegedly indefinite.

By this Amendment, Applicants submit that this basis of rejection has been rendered moot at least because claims 1, 12 and 21 have been amended consistent with the Examiner comments and suggestions.

However, Applicants respectfully disagree with the Examiner's assertion of indefiniteness with regard to the term "sleeve". Applicants submit that one having ordinary skill in the art, having read the specification and reviewed the drawings, would have no difficulty understanding the invention and what is meant by the term "sleeve".

The specification clearly explains, for example, that Figs. 1-3 each shows an elongated mail sleeve with two or three sides and with opposite facing open ends.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of the above-noted claims.

35 U.S.C. § 103 RejectionsOver McDONALD alone

Claims 1, 2, 4, 5, 11 and 12 were rejected under 35 U.S.C. § 103(a) for being allegedly unpatentable over by U.S. Patent No. 1,286,374 to McDONALD alone.

Applicants respectfully submit that a *prima facie* case of obviousness cannot be established because McDONALD fails to disclose or suggest each and every element of the claims as amended.

More particularly, amended independent claims 1 and 12 each recites, *inter alia*,

A flat mail sleeve packaging system having opposite facing open ends and being adapted to stack product with bound and non bound edges in a constrained homogenous mass. The end cap extends only partially across a width of the second constraining wall so as to define a partially opened end of one of the opposite facing open ends.

Applicants submit that McDONALD does not disclose, or even suggest, at least these features. Applicants acknowledge, for example, that McDONALD teaches a mail tray which has a first constraining wall A and a second constraining wall B and a first binding member E (see Fig. 1). However, it is clear from Fig. 1 of McDONALD that the disclosed mail tray has ends which are closed by walls C and D. Indeed, each end wall C and D extends across an entire width of the second wall B. In contrast, the claimed invention is directed to a mail sleeve packaging system which has, among other things, opposite facing open ends which are not completely closed by any end walls.

Applicants emphasize that whereas Fig. 1 of McDONALD shows a closed wall C that extends across an entire width of the second wall B, the invention provides for opposite facing open ends, wherein the end cap extends only partially across a width of

the second constraining wall so as to define a partially opened end of one of the opposite facing open ends.

Applicants also submit that the disclosed mail tray is unlike the instant invention in at least one important aspect. The invention provides that “the product can be unbound and set on an automatic feeder at a postal delivery facility without any further processing. In this manner, manual operations need not be performed on the stacks prior to mail sorting.” McDONALD, on the other hand, discloses a tray that is specifically designed for manual use. That is, the user places the mail pieces of the tray, adjusts the plate D as necessary and tightens and loosens the strap E to remove and insert mail pieces. Such a device is clearly not designed or adapted for an automatic feeder.

Accordingly, Applicants respectfully submit that independent claims 1 and 12 as well as dependent claims 2, 4, 5 and 11, which depends from claims 1 and 12 are allowable.

Accordingly, Applicants respectfully submit that the rejection under 35 U.S.C. § 103(a) should be withdrawn.

Over McDONALD with JACOBSMEYER and Official Notice

Claims 3, 13, 14, 16, 21, 22 and 24 were rejected under 35 U.S.C. § 103(a) for being allegedly unpatentable over McDONALD in view of U.S. Design Patent No. 415,730 to JACOBSMEYER and Official Notice.

The Examiner acknowledges that McDONALD lacks, among other things, the recited second binding member and the folded over end cap. However, the Examiner explains that the former feature is taught by JACOBSMEYER, that the later feature is known on the basis of Official Notice, and that it would have been obvious to combine the teachings of these documents. Applicants respectfully submit that a *prima facie* case of obviousness has not been established as the applied references fail to teach each and every element of the claims.

Applicants submit that neither McDONALD nor JACOBSMEYER disclose or suggest the combination of features recited in at least independent claims 1, 12 and 21. Applicants also submit that no proper combination of these documents disclose or suggest the combination of features recited in at least claims 1, 12 and 21.

As explained above, the end walls C and D of McDONALD completely close the end openings of the mail tray and do not provide for opposite facing end openings wherein at least one of these opened ends is only partially open. Additionally, while the Examiner has identified the perpendicularly arranged binding members in Figs. 9 and 10 of JACOBSMEYER, it is clear that the design shown in JACOBSMEYER lacks any end caps, much less, that a portion of one of the first and second constraining walls that is folded over to form an end cap that is adapted to protect an end product of the stack and add rigidity to the flat mail sleeve packaging system.

Furthermore, with regard to Examiner's reliance upon official notice in support of the instant rejection, Applicants remind the Examiner that MPEP 2144.03 specifically explains that "[o]fficial notice unsupported by documentary evidence should only be